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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROSEMARY GARITY,

Plaintiff,

v.

USPS PMG MEGAN J. BRENNAN,

Defendant.

Case No. 2:11-cv-01805-RFB-CWH

**Federal Defendant's Response to
Plaintiff's Motion to Enforce
Compliance with Court Order (ECF
No. 542)**

Plaintiff's moves for contempt and to compel payment for "contempt of the Court's Order [ECF No. 48, 513]." ECF No. 542. She further seeks, without providing any basis, interest at the rate of 5%.

Plaintiff's motion should be denied. Defendant's counsel attempted to explain to Plaintiff prior to the filing of this motion that once the costs are awarded, the judgment would be amended, and then the Defendant will issue payment on the full amended judgment. Plaintiff elected to file this motion presumably dissatisfied with that response. However, Plaintiff cites no basis in the law or Federal Rules (and Defendant can find none) to support her argument that Defendant is in contempt or that it should issue part of the payment when the judgment will certainly be amended to add in the additional costs and allowable interest. In fact, parsing out partial payment is not possible where interest is based on the judgment amount and would indeed cause confusion in how that would be

1 calculated if there was a partial payment. Plaintiff's request also seeks to unnecessarily
2 burden the Defendant to issue two payments when the costs will be determined by this
3 Court soon enough. Accordingly, the Court should deny the motion.

4 Respectfully submitted this 13th day of August 2021.

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6 CHRISTOPHER CHIOU
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7 /s/ Brianna Smith
8 BRIANNA SMITH
Assistant United States Attorney
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